

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT SMITH,)	
)	
Plaintiff,)	CASE NO. C04-2226-JLR-MJB
)	
v.)	
)	
BETTIS, C/O, <i>et al.</i> ,)	ORDER DISMISSING § 1983 ACTION
)	
Defendants.)	
_____)	

The Court, having reviewed defendants' motion for summary judgment, plaintiff's response, defendants' reply, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and

ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' motion for summary judgment is GRANTED. The complaint and this action are DISMISSED with prejudice. This dismissal shall count as a dismissal under 28 U.S.C. § 1915(g).
- (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to Judge Benton.

DATED this 27th day of February, 2006.



JAMES L. ROBART
United States District Judge

ORDER DISMISSING § 1983 ACTION